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Letter dated 14 December 1998 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

In my capacity as Chairman of the Organization of the Islamic Conference Contact Group for Bosnia and Herzegovina, I have the honour to bring to your kind attention the following, which relates to the issue of Brčko arbitration:

According to annex 2 of the Dayton Peace Accords, the Arbitral Tribunal for the Dispute over the Inter-Entity Boundary in the Brčko Area was established in order to reach a decision on the administration of Brčko.

Under the Peace Accords, the Tribunal has the duty to allocate political responsibilities in the Brčko area in such a way as to give the fullest possible effect to Dayton's commands for country-wide freedom of movement, the return of displaced persons and refugees, the re-establishment of a multi-ethnic society and the democratization of the political process, all in the interests of regional and international peace.

The Arbitral Tribunal was expected to make a final decision on 15 March 1998, but it decided to delay the decision, hoping that the delay would provide it with a firmer foundation for selecting the most equitable result. It seemed possible, given the developments, that at the end of 1998 there would be change in the Republika Srpska Government, after the elections. The Tribunal concluded that the delay provided time for the progressive forces in the Republika Srpska to gather strength and begin to cooperate with the Federation and the Supervisor's compliance programme. Conversely, if the opposite occurred, the Federation's claim to exclusive control of Brčko would be that much stronger.

According to the Supplemental Award of the Arbitral Tribunal of 15 March 1998 (S/1998/248, annex), the authorities of the Republika Srpska have effectively resisted all of the supervisory programmes aimed at achieving

compliance with the Dayton Accords in the Brčko area, systematically thwarted freedom of movement, systematically intimidating any Bosniacs or Croats who explored the possibility of returning to their former homes in the area, and those few Bosniac and Croat families who still lived in the area were pressured to leave.

Before the war, according to the population census from 1991, the Municipality of Brčko consisted of 44 per cent Bosniacs, 25 per cent Bosnian Croats, and 21 per cent Bosnian Serbs, while 10 per cent were of the other ethnic groups or mixed. The city of Brčko consisted of 56 per cent Bosnian Muslims, 7 per cent Bosnian Croats, 20 per cent Bosnian Serbs and 17 per cent other ethnic groups. During the war, the Bosnian Muslims and Croats were ethnically cleansed from the area. Many were sytematically executed and tortured.

Today, in the city of Brčko, 97.5 per cent of the population consists of ethnic Serbs. According to the United Nations High Commissioner for Refugees, the total number of refugees who have returned to the Federation of Bosnia and Herzegovina is 283,724, whereas the total number of refugees who have returned to the Republika Srpska is 19,765. Of this group, 18,271 persons are ethnic Serbs.

Brčko is also the crossroads of Bosnia and Herzegovina, the meeting point of the Federation of Bosnia and Herzegovina and the Republika Srpska. The 5-kilometre-wide corridor links the western and eastern parts of the Republika Srpska; at the same time, it is the path from the south to the north of the Federation, as well as its access to the European river transit routes.

Keeping in mind the history, demographics and significance of Brčko, it would be unjust and would be counter to the development of peace, if Brčko were awarded to the Republika Srpska. We would very much appreciate your prompt action on this issue, in the light of the fact that the final decision should be reached early in 1999, and also considering the critical nature of the issue.

May I ask you for your kind assistance in circulating the present letter as a document of the General Assembly, under agenda item 41, and of the Security Council.

(Signed) Hadi NEJAD HOSSEINIAN
Ambassador
Permanent Representative